

is also something that the Veterans Administration sorely needs to move it forward.

I just want to say that we come in here and we have good arguments and good discussions, and sometimes politics comes into the discussion. In this particular case, folks have come to the table—whether it is Senator ISAKSON or Senator MCCAIN or Senator MORAN or me or any of the others on the Veterans' Affairs Committee—and we have come up with a solution that 99 percent of the people in this body agree with, but we can't get it across the finish line. And we wonder why our popularity is in the single digits in this country.

I am just going to close by saying I want to thank everybody from both sides of the aisle who worked together to get this bill crafted and get this bill to this point. I hope that at some point in time, people will take a look at this bill for what it does and realize that there aren't bogeymen in this bill, that our veterans deserve us to work together to find solutions to move the ball forward so they can get the healthcare they were promised when they signed on the dotted line to protect this country.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, it is my understanding that one of my colleagues is en route to speak and perhaps object to this motion that is to be made. I would ask my colleague from Montana if he would mind holding for a few moments until that Senator arrives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I was going to ask for unanimous consent that S. 544, the bill we have been talking about, be discharged for immediate consideration, and then someone would have to object to that unanimous consent request—otherwise it would move forward.

I am going to do this on Monday. I hope the Senator who is truly going to object to this will have the opportunity to talk to Secretary Shulkin and Chairman ISAKSON, and he will find out that both those people are in support of this bill.

Hopefully we can come in and do a unanimous consent and get this bill passed on Monday. This is a bill that is good for America's veterans. I think it is good for our community providers, and I think it is very good for the VA. We will hold off today and take care of this after the weekend.

I would like to once again thank all the folks who worked on this bill. A

special thank-you to Senator MORAN for his statements today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERRICK GARLAND AND FILLING THE SUPREME COURT VACANCY

Mr. CARPER. Mr. President, I rise today to lend my voice in support of perhaps one of the most qualified individuals ever nominated to the U.S. Supreme Court. I am referring, of course, to Chief Judge Merrick Garland.

Over 1 year ago, on March 16, 2016, a President who was twice elected by significant margins in both the popular vote and the electoral college nominated Judge Garland to fill the vacancy left by the death of Justice Antonin Scalia. President Obama upheld his constitutional duty by submitting a name to the Senate to fill this vacancy.

By submitting the name of Merrick Garland, he gave the Senate a man who has spent his career working to build consensus and to find principled compromises. His impeccable credentials speak for themselves: Harvard undergrad, top of his class; Harvard Law, top of his class; law clerk to Judge Friendly on the Second Circuit and Justice Brennan on the Supreme Court. He served in the Justice Department after a time in private practice.

When tragedy befell Oklahoma City in April of 1995, Merrick Garland led the investigation that brought justice to the perpetrators of that unthinkable act of terrorism. Judge Gorsuch called this work "The most important thing I have ever done in my life."

His career was far from over at that point. In 1997, Republicans and Democrats joined together to confirm Judge Garland to the DC Circuit Court of Appeals, which is often called the "second highest court in the land."

Here is what Senator ORRIN HATCH, former chairman of the Senate Judiciary Committee and currently the President pro tempore of the Senate, said of him at the time:

Merrick B. Garland is highly qualified to sit on the DC Circuit. His intelligence and his scholarship cannot be questioned. . . . His legal experience is equally impressive. . . . Accordingly, I believe Mr. Garland is a fine nominee. I know him personally, I know of his integrity, I know of his legal ability, I know of his honesty, I know of his acumen, and he belongs on the court.

Those are not my words. Those are the words of Senator ORRIN HATCH, a good friend and colleague.

Over the past two decades on the DC Circuit Court of Appeals, Judge Garland established a reputation as a thoughtful judge, a fair judge, a man of

high integrity, a judicial moderate, and a consensus builder in a day and age when we need consensus builders—not here but on the Supreme Court and other courts.

Even those who may disagree with him tend to find themselves thinking a little harder about their own views after hearing his.

During his 2005 confirmation hearing to serve as Chief Justice, John Roberts, who served with Judge Garland on the DC Circuit, stated these words: "Any time Judge Garland disagrees, you know you're in a difficult area."

Thank you, Chief Justice Roberts.

In 2013, Judge Garland was promoted to chief judge on the DC Circuit Court of Appeals, the second highest court in the land—the chief judge, presiding over that court.

When President Obama nominated him to the Supreme Court over 1 year ago, Judge Garland brought with him more Federal judicial experience than any nominee in the history of the United States.

When I met with Judge Garland last year, I got to know him beyond just his resume. Ironically, he had actually performed the marriage ceremony for my former chief of staff and his bride several years ago.

I was struck by Judge Garland's humility and by his personal character, his personal traits. Even as a nominee for the Supreme Court, he continued to serve his community as a mentor to elementary school students right here in Washington, DC. Imagine that. A chief judge of the DC Circuit Court of Appeals taking time every week to mentor some kid who needs another good role model in his or her life. That is something that Judge Garland has done for about two decades.

Over 1 year later, as I stand here today, a seat on the Supreme Court—what should be, in my view, Judge Garland's seat—remains vacant. Our Republican colleagues, in an unprecedented display of what I think is obstructionism and partisanship, denied Judge Garland a hearing and a vote. Many of our Republican colleagues refused to even meet with him. He was denied both a hearing in the Judiciary Committee and a cloture vote in the full Senate.

Well, since the Senate Judiciary Committee began holding public hearings on Supreme Court nominees 101 years ago, in 1916, no Supreme Court nominee had ever been denied a hearing and a vote.

I will say that again. No Supreme Court nominee had ever been denied a hearing and a vote—well, until Judge Garland.

According to the highly respected website, SCOTUSblog, we read these words:

The historical record does not reveal any instances since at least 1900 of the president failing to nominate and/or the Senate failing to confirm a nominee in a presidential election year because of the impending election.

That is right off the blog.

Judge Garland was denied a hearing and a vote. In fact, during the 1988 Presidential election year, Justice Anthony Kennedy was confirmed by the Senate 97 to 0—not 51 to 49, not 60 to 40, but 97 to 0. But Judge Garland was denied a hearing and a vote.

Our Constitution, the one that every Member of this great deliberative body has sworn an oath to uphold, standing right over there, requires the Senate to provide its advice and consent to Supreme Court nominees.

Over the years, there have been a lot of questions as to what advice and consent entails. Judge Garland was denied a hearing and a vote. A good man—I think an extraordinary man—was treated badly, as was our Constitution.

I believe the unprecedented obstruction our Republican colleagues mounted last year against Judge Garland was a shameful chapter for the U.S. Senate. Mr. Garland, a consensus builder, one of the most qualified judges in our country, waited 293 days for a hearing and a vote that ultimately never came. I am still deeply troubled by those 293 wasted days, and I am still deeply troubled by the way Judge Garland was treated. I believe Judge Garland still deserves a hearing and still deserves a vote.

While I do not believe that two wrongs make a right, I believe this may be our only opportunity to right a wrong and erase the enormous black mark that the Senate's failure to consider Judge Garland leaves on this chapter of American history. I think it is unacceptable to put partisan politics over fidelity to our U.S. Constitution. Confirming anyone for this vacancy other than Judge Garland would be a stamp of approval for playing politics with Supreme Court nominees.

From where I sit, upholding our oath to protect the Constitution means finding agreement on moving Judge Garland's nomination forward at the same time as that of Judge Neil Gorsuch, President Trump's nominee. When President Trump lost the popular vote by nearly 3 million votes last year and narrowly won the electoral college, he promised to be a President for all Americans. I think a fair question is, Has he upheld that promise?

Well, let's decide—an unconstitutional Muslim ban, an unnecessary and overpriced wall on the southern border, a failed healthcare bill that would have provided less coverage for more money, a rollback of environmental protections for all of us who don't want to drink dirty water and don't want to breathe dirty air. If you ask me, the President has broken the promise to be a President for all Americans. Now I realize that others may differ and disagree, but his nomination of Judge Gorsuch represents what I believe is another broken promise.

I have heard from middle-class folks, from workers up and down my State, from special education teachers, from immigrant communities, from women who depend on access to healthcare,

and my guess is my colleagues have as well. Many of them fear that Judge Gorsuch is not on their side. Despite his impressive resume, I share those same concerns.

At this time, I believe it is appropriate to hit the pause button until an agreement can be reached that provides justice for Judge Garland while restoring credibility to the U.S. Senate. I believe that is only bolstered by the cloud that lingers over President Trump's campaign.

As FBI Director Comey testified last week, there is an ongoing investigation to determine the links between Russia and the Trump campaign and whether there was any coordination between the Trump campaign and Russia to interfere in the 2016 election. It has also been widely reported in the media that officials from the upper echelon of the Trump campaign have close ties to Vladimir Putin's interests in weakening democratic governments throughout the West. There are many Americans who believe that Judge Gorsuch has been nominated for a stolen Supreme Court seat. There are also a number of Americans who believe that he has been nominated by a man whose campaign may have coordinated with foreign adversaries on stealing a Presidential election.

Let me be clear. At the moment, no evidence has been made public to indicate that this is the case, but there are few nominations that any President will make that will have more of an impact on our Constitution and on the lives of everyday Americans than the U.S. Supreme Court. To hastily move forward with Judge Gorsuch, who is 49 years old and can serve on the Supreme Court well into the middle of this century, without first getting to the bottom of the suspicious and irregular actions of the Trump campaign officials, I believe, would be a mistake.

The American people need to know that the President's campaign was above reproach before we decide whether Judge Gorsuch merits approval for a lifetime appointment.

I will close my remarks by offering a word of caution to my colleagues. We have maintained and preserved a 60-vote threshold for Supreme Court nominees to prevent Democrats and Republicans from choosing political expediency over bipartisan consensus. If Judge Gorsuch fails to obtain 60 votes on the cloture vote next week, I think it could signal one of three things. First, that Judge Gorsuch's views are outside the judicial mainstream; second, that we still have an opportunity to rectify the injustice done to Judge Garland and to our Constitution; or third, that we still do not know the nature of the relationship between the Trump campaign and Russia—a country whose leadership has ordered an attack on our election and our democracy, as well as a whole lot of other countries around the world.

If Judge Gorsuch fails to achieve 60 votes on the first try or the next try, it

does not mean that his nomination will not move forward at some point in the future. It means we have hit the pause button. It may very well be that while we pause, another vacancy on the Court could emerge. Who knows when another vacancy might occur? But if you ask me, another vacancy might present the Senate with an opportunity to right what I believe is a historic wrong, and we should see if the other objections that have been raised about Judge Gorsuch could be addressed before we change the rules of the Senate in favor of the party in power.

In closing, I will say again that Judge Garland waited 293 days for a hearing and a vote that never came. Judge Gorsuch waited 48 days for a hearing, and we will be voting on his nomination next week. Talk about a rush to judgment.

The PRESIDING OFFICER (Mr. YOUNG). The Senator's time has expired.

Mr. CARPER. I would ask the Presiding Officer for 15 seconds, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Talk about a rush to judgment. We have time. The American people are watching us, and history will judge us. Let's make sure we get this right.

Let's make sure we get this right.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ISSUES BEFORE THE SENATE

Mr. HATCH. Mr. President, as we approach the end of another week in the Senate with a 2-week recess on the horizon, I think it is a good time to reflect on where we are on various high-profile efforts and to talk about the pathways forward.

As is generally the case when any new administration comes into office, the Republican majorities in both the House and Senate began 2017 with an ambitious agenda in order to make good on the promises we have made to the American people over the last several years. Many of the key items on the agenda fall squarely in the jurisdiction of the Senate Finance Committee, which I chair. That being the case, my colleagues on the committee and I have been hard at work, trying to find the right solutions on things like healthcare, tax reform, and trade policy.

I don't think I am going to surprise anyone when I say it hasn't been easy. Honestly, I think that might be the biggest understatement of the year.

Things have been difficult for a number of reasons. One reason is that we are coming off of a bitter election year, one that shocked a number of our colleagues. After a hotly contested campaign, it can sometimes take a while for things to return to normal. However, I don't think that excuses the tactics and rhetoric we have seen from our friends on the other side of the aisle.